

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

SEAN JEFFREY THOMPSON,	*	
	*	
PLAINTIFF	*	
	*	
V.	*	CASE NO. WDQ 1:02-CV-1989
	*	
DETECTIVE STEPHEN MARTIN,	*	
ET AL.	*	
	*	
DEFENDANTS	*	

BALTIMORE POLICE DEPARTMENT'S MOTION
TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT

Pursuant to F.R.C.P. 12(b)(6), the Baltimore Police Department ("BPD"), by and through undersigned counsel, moves to dismiss all counts alleged against the BPD as set forth in Plaintiff's First Amended Complaint and Demand for Jury Trial, and in support thereof, states as follows:

1. Plaintiff's § 1983 action against the BPD (Count II) fails to state a cause of action;
2. Plaintiff's supplemental state claims for assault and battery (Counts III and IV) cannot be maintained against the BPD, on the basis of sovereign immunity;
3. Plaintiff has failed to comply with the Local Government Tort Claims Act, MD. CODE ANN., CTS. & JUD. PROC. ART. § 5-301 et seq.,

and as a result, Counts III and IV cannot be maintained against the BPD.

A memorandum accompanying this Motion to Dismiss is attached hereto.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'H. Hoffman', written over a horizontal line.

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